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SERVICE DATE - JANUARY 22, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 206X)

NORFOLK SOUTHERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN MADISON COUNTY, IL

Decided: January 18, 2001

Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 7.5-mile line of railroad between milepost A-13.0 at Bluffs Junction to milepost A-20.5 at Troy Junction, in Edwardsville, Madison County, IL.¹ On September 14, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding to implement interim trail use/rail banking for the entire line under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and provided a 180-day period for the Madison County Metro-East Transit (Madison Transit) to negotiate an interim trail use/rail banking agreement with NS for the right-of-way involved in this proceeding.² The negotiating period under the NITU expired on March 13, 2000, but was extended through January 23, 2001, by decisions served June 23, 2000, and July 27, 2000.

By motion dated January 11, 2001, Madison Transit requests an extension of the negotiating period for an additional 120 days until May 23, 2001. Madison Transit states that it believes that negotiations have been completed for a rail banking agreement, except for final signatures and completion of certain exhibits. By facsimile dated January 11, 2001, NS advised that it consents to the extension request.

¹ Notice of the exemption was served and public in the Federal Register on August 16, 1999 (64 FR 44576-77).

² The September 14, 1999 decision also imposed environmental conditions that NS: (a) be prohibited from cutting any trees along the right-of-way during any salvage operations performed between April 1 and September 30; (b) cease salvage operations, if the eastern prairie fringed orchid is found, and consult with the U.S. Fish and Wildlife Service (FWS) and abide by the FWS conditions for preservation of the orchid; and (c) consult with the Illinois Environmental Protection Agency and develop an acceptable method of disposing of old wood cross ties and other treated wood materials prior to salvage operations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the Trails Act. Accordingly, the negotiating period will be extended to May 23, 2001.⁴

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiation period under the NITU is extended to May 23, 2001.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

³ See Rail Abandonment–Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

⁴ A similar extension of the negotiation period is being authorized in a decision issued today in Norfolk Southern Railway Company–Abandonment Exemption–in Madison and Bond Counties, IL, STB Docket No. AB-290 (Sub-No. 203X).